UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/51/L.11
20 November 1996

ORIGINAL: ENGLISH

Fifty-first session
SIXTH COMMITTEE
Agenda item 145

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Draft resolution proposed by the Chairman of the Working Group on the United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 49/50 of 9 December 1994, to which was annexed the programme for the activities for the third term (1995-1996) of the Decade,

Expressing its appreciation to the Secretary-General for his report[1] submitted pursuant to resolution 50/44 of 11 December 1995,

Having considered the above-mentioned report,

Recalling that at the forty-fifth session of the General Assembly the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that at the fifty-first session the Sixth Committee reconvened the Working Group to continue its work in accordance with resolution 50/44 and all previous resolutions on the item,

Having considered the oral report of the Chairman of the Working Group submitted to the Sixth Committee,

1. Expresses its appreciation to the Sixth Committee for the elaboration, within the framework of its Working Group on the United Nations Decade of International Law, of the programme of activities for the final term (1997-1999) of the Decade, and requests the Working Group to continue its work at the fifty-second session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the third term (1995-1996) of the Decade, including sponsoring conferences on various subjects of international law;

3. Adopts the programme of activities for the final term (1997-1999) of the Decade contained in the annex to the present resolution;

4. Recalls, with appreciation to the Secretary-General, the successful organization of the United Nations Congress on Public International Law, held from 13 to 17 March 1995, which focused on the four main purposes of the Decade, as well as on new challenges and expectations for the twenty-first century, and welcomes the publication of the proceedings of the Congress;

5. Welcomes the establishment of the International Tribunal for the Law of the Sea under the United Nations Convention on the Law of the Sea[2] as a new means of settlement of disputes;

6. Encourages the Office of Legal Affairs to continue in its efforts to bring up to date the publication of the United Nations Juridical Yearbook;

---

[1] A/51/278 and Add.1.

[2] Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

7. Invites all States and international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and to provide information in this respect to the Secretary-General for transmission to the General Assembly at its fifty-fourth session;

8. Requests the Secretary-General to submit, on the basis of such information and of new information on the activities of the United Nations relevant to the progressive development of international law and its codification, a final report to the General Assembly at its fifty-fourth session on the implementation of the programme;

9. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

10. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

11. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to the present resolution;

12. Takes note with appreciation of the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "United Nations Decade of International Law".

ANNEX

Programme for the activities for the final term (1997-1999) of the United Nations Decade of International Law

I. PROMOTION OF THE ACCEPTANCE OF AND RESPECT FOR THE PRINCIPLES OF INTERNATIONAL LAW

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme for the United Nations Decade of International Law, calls upon States to act in accordance with international law, and in particular the Charter of the United Nations, and encourages States and international organizations to promote the acceptance of and respect for the principles of international law.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are

invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties that have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties, in accordance with their national legal systems.

4. States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

5. The General Assembly, recognizing the importance of the protection of cultural property in the event of armed conflict, takes note of the efforts under way to facilitate the implementation of existing international instruments in this field.

II. PROMOTION OF MEANS AND METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES, INCLUDING RESORT TO AND FULL RESPECT FOR THE INTERNATIONAL COURT OF JUSTICE

6. States, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

7. Noting the establishment of the International Tribunal for the Law of the Sea in October 1996 in accordance with the United Nations Convention on the Law of the Sea,[2] States and other entities referred to in article 20 of annex VI of the Convention are encouraged to consider making use of the Tribunal for the peaceful settlement of disputes in accordance with article 21 of annex VI of the Convention.

8. Taking into account the suggestions mentioned in paragraph 1 of the present section and with due regard to the recommendations contained in the

report of the Secretary-General entitled "An Agenda for Peace",[3] the Sixth Committee should consider, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or of the Working Group on the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods for early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of cooperation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes;

(e) Wider use of the Permanent Court of Arbitration.

III. ENCOURAGEMENT OF THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

9. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission. Such information should be presented in a final report by the Secretary-General to the Sixth Committee.

10. On the basis of the information mentioned in paragraph 9 above, States are invited to submit suggestions for consideration by the Sixth Committee and, as appropriate, recommendations. In particular, efforts should be made to identify areas of international law that might be ripe for progressive development or codification.

---

[3] A/47/277-S/24111.

11. The Sixth Committee should study, taking into account General Assembly resolution 684 (VII) of 6 November 1952,[4] its coordinating role with respect, inter alia, to the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly. States are invited to present proposals in this regard to the Sixth Committee.

12. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue to study possible measures to strengthen the United Nations system for the maintenance of international peace and security. In that context, the Special Committee should bear in mind the debate within the United Nations, in particular in the General Assembly, of the Secretary-General's report entitled "An Agenda for Peace".

IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

13. Within the context of considering appropriate activities to mark the final term of the Decade's programme, States, the United Nations system of organizations and regional organizations and institutions referred to in the programme should encourage:

(a) The publication of essays on subjects of international law written by legal advisers of States and international organizations, scholars and other legal practitioners providing a useful perspective on international law as viewed from their standpoint;

(b) The organization at the national, regional and international level of symposia, conferences, seminars, lectures and meetings on selected topics or themes of international law during the remaining years of the Decade to celebrate the end of it. Suggested topics for consideration could include, without limiting other suggestions, the contribution of the United Nations to international law; more effective means of implementing the rules of international law; merits or otherwise of treaties and other forms of instruments such as resolutions, declarations and so on; future topics for the International Law Commission; and the role of the International Court of Justice in the settlement of disputes and advisory opinions.

14. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, in particular in the developing

---

[4] See annex II to the rules of procedure of the General Assembly (A/520/Rev.15).

countries. States and other public or private bodies are encouraged to contribute to the strengthening of the Programme.

15. States and law faculties of higher educational institutions are encouraged to include international law as a core subject in their curricula. They are also encouraged to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. They should also consider introducing public international law courses geared towards career training and the establishment of clinical programmes in various areas of international law. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

16. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

17. States, international organizations and professional and academic institutions should consider making available materials to the United Nations audio-visual library on international law proposed by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

18. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating with States in this respect.

19. In connection with training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines or military manuals and instructions prepared by the International Committee of the Red Cross.[5]

20. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

---

[5] A/49/323, annex.

21. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice. They should also endeavour to place this material on computer networks for wider and instant distribution. The Office of Legal Affairs of the Secretariat is encouraged to continue its efforts in this regard, including through its participation in the Global Legal Information Network project.

22. The Secretary-General, in cooperation with the Registry of the International Court of Justice, is encouraged to publish, to the extent feasible and in a timely manner, the publication updating the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991),[6] at present under preparation, in all official languages of the Organization.

23. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

24. International organizations are encouraged to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Juridical Yearbook is also encouraged.

V. PROCEDURES AND ORGANIZATIONAL ASPECTS

25. The Sixth Committee, working primarily through its Working Group on the United Nations Decade of International Law and with the assistance of the Secretariat, will be the coordinating body of the programme for the Decade. The question of the use of an intra-sessional, inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

26. States are encouraged to establish, as necessary, national, subregional and regional committees, which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

27. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged in order to implement the programme for the Decade. To that end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

---

[6] ST/LEG/SER.F/1 (United Nations publication, Sales No. E.92.V.5).